

United States District Court
Western District of Texas, SA Division

Plaintiff: Sara Herrera
Defendant: HEB

Case #: SA22CA3315

Amended
COMPLAINT

FILED

FEB 27 2023

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY NOA DEPUTY

Sara Herrera
8323 Timber Bough St.
San Antonio TX 78250

HEB
646 S. Main Ave
San Antonio TX 78204

Federal Questions Presented:

- 1) HEB retaliated and illegally terminated Sara for filing a discrimination complaint with Human Resources. Since the complaint she was held back from promotions and targeted for termination.
- 2) Whether HEB hired or filed a complaint against Sara that fostered harassment and a negative sustainability environment in her neighborhood resulting in additional negligence, delays, damages and a severe physical injury; broken bones.

1st Complaint- Violation of Civil Rights Act-Discrimination based on National Origin/ Retaliation

Through my ten year career, I served HEB with hard work, dedication, and undivided loyalty. During the last six months of employment, I have been subjected to discriminatory animus, disparate treatment and hostile work environment on account of my national origin (Mexican American), and for engaging in protected activity by filing a complaint with Human Resources (Violation of Section 601 of Title VI of the Civil Rights Act of 1964). Approximately three years ago, I filed a complaint with Human Resources department against Robert Morton, Executive for Healthy Living, for making fun of my Mexican accent (42 U.S.C. 2000d & 34 U.S.C. 10228). Thereafter, my professional growth within the company was limited. Since the complaint I have been held back from promotions and targeted by management for termination. I have applied for multiple job listings within the company and as such, I began to receive training from Human Resources and Toastmasters International. Shortly after the training began, HEB's management team wrote me up with Human Resources and had me placed on hold which in essence prohibited me from being considered for jobs internally. HEB's management used a pre textual reason for this write up and internal hold. Management alleged camera/audio laptop issues as well as not working as a team member. My management including Liz Cervantes and the procurement team created a hostile and micro aggressive environment. Management further excluded me from the Diversity Council Meetings. On September 30th, 2021, I was legally terminated for the pre textual reason of failing to work as a team member (The False Claims Act, 31 USC 3729-3733).

I received my EEOC Right to sue letter 12/17/21, coincidentally my Attorney dropped the case mid-February of 2021 after 5 months of investigating. On 3/26/21 I went to the San Antonio Police Department to voice a concern after being chased by aggressive dogs in my neighborhood and my dog was attacked by one (that could had been a child). My dog is like my child and we had to run for our dear lives over 5 times after being chased by aggressive dogs (huskies, Rottweilers, Pitt bulls, Shepard

Employment Discrimination

dogs). I missed my filing suit deadline to file my Title VII claims (90 day limitation period) due to being on Emergency Detention for over a month, the police officers deprived me of my civil rights "Under Color of law" via excessive force and defamation/fabricated content resulting in loss of my liberty (18 U.S.C. 241, 242). Majority of patients were at the hospital for 2 to maximum 7 days and truly needed psychiatric services, they were drug addicts or suicidal (cut themselves). They had me there for an entire month (~4X as long as the average stay) without my consent and I'm not a drug addict nor suicidal. I simply voiced concerns occurring in my neighborhood that jeopardizes our community's lives and environment. This caused me to miss my Birthday, concert and the opportunity to find another attorney so I wouldn't miss the Federal/ State deadlines for my Employment Discrimination/ Retaliatory discharge case.

2nd Complaint-Negligence, Espionage/ Harassment, Hacking, Severe physical Injury

This has been dragging for a few years now and getting worst with time due to negligence. After over a year of being unemployed and experiencing the same disturbing negative patterns in my neighborhood environment and technically I called Apple to report concerns I had with my iPhone in November of 2022 and the Ethics Point team confirmed that it was legal. Since the Bexar Attorney County Staff and SAPD weren't much helpful in March of 2022 I decided to proceed with a lawsuit early December 2022 since it's interfering with getting employed and my personal life. After reading the legal manual provided to me in December along with some of the cases/legal content that populated on their website it became evident that the physical abnormalities in my neighborhood and technically was the consequence of either HEB submitting a complaint on me or from the charge of discrimination my first attorney submitted to the EEOC on 11/30/21. Regardless, it was never disclosed to me that I was being investigated and censored which is a violation of the first Amendment and the Disclose Government Censorship Act. Looking at it backwards now, that would make logical sense but why would a government entity not disclose that or provide updates. The lack of disclosure fostered a negative sustainability in all four pillars (social, human, economic, environment) of harassment in the neighborhood resulting in additional negligence, delays, derails, damages, and a severe injury.

The portion left unexplained is why the HEB committee inhabited my neighborhood over a year prior to being terminated? Being unemployed for a year and 5 months, censored, isolated, having calls, messages and websites blocked along with a hacker on your network withdrawing job applications at 2:30AM and have 4 companies that confirmed they never received any of my job applications after applying to several jobs with them for months is not fostering a positive environment. It's the opposite of that and a violation of the first amendment which guarantees freedom of speech and expression per Austin Attorney General, Big Tech companies are required to provide disclosures to affected users, which I haven't received. This is also a violation of the Computer Fraud and Abuse Act (CFAA) making it a Federal Crime (18 U.S.C. 1030 & 47 U.S.C. 230) as it oppresses the individual and prevents them from making any progress while creating physical, emotional and financial distress. I can't envision the Office of Special Counsel (OPC) and Department of Justice (DOJ) playing the role of bullies nor consenting any of the above and below concerns as an ethical process of Justice.

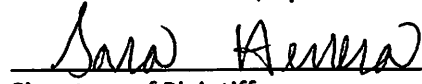
SAPD's negligence of not providing an update, not holding people accountable, nor conducting an ethical thorough investigation has added additional turmoil and delays. Seems like they are covering for the third parties espionage/ harassing, hacking by sweeping it under the rug. They have been unprofessional and unethical on how it was handled since it pivoted to their plate in March 2022. That's after providing witnesses and evidence of the hacker, harassment and scam calls impersonating the EEOC which is fraud (18 U.S.C. 1028 & U.S.C. 1512).

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Due to SAPD's negligence, lack of preliminary screening / investigation and for depriving me of my rights via force/intimidation and fabricated content resulting in my loss of liberty and misdiagnosis I was hospitalized without my consent in psychiatric hospitals and put through unnecessary psychiatric treatment for over a month; which goes against my values and persona (42 U.S.C. 1983). I never gave consent nor volunteered myself for research or as a project and missed my birthday, a concert and the opportunity to get another attorney prior to the federal and state deadlines of my Employment Case which has now turned into a negligence, violation of civil rights and medical malpractice criminal case. That has left me with a lot of medical debt with no value added and still unemployed along with a severe injury resulting in broken bones from the misdiagnosis and food tampering of illicit medication that hindered my body to frame it down the disability path. After disputing it I was able to decrease the bill but it's still an additional unnecessary expense that added no value to my life that could had been avoided had they performed an ethical investigation and asked the adequate preliminary screening questions. Based on the defamation and how my incident was mishandled (putting me at fault) and in the best interest for HEB it seems that they are covering for these third party entities to avoid putting a negative connotation on their organizations. The negligence aftermath delays fostered and encouraged a criminal negative sustainability environment, misdiagnosis and a severe physical injury resulting in a fractured arm injury that could had been prevented if the third party entities involved would had not been reactive and instead confrontational from the start (Title 18, U.S.C. , Section 241 & Criminal Responsibility for conduct of another: TEX. PENAL CODE ANN. 7.02 (a)(2)).

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed on this 19 day of February 2023.


Signature of Plaintiff

E. The facts of my case are as follows.

Through my ten year career, I served HEB with hard work, dedication, and undivided loyalty. During the last six months of employment, I have been subjected to discriminatory animus, disparate treatment and hostile work environment on account of my national origin (Mexican American), and for engaging in protected activity by filing a complaint with Human Resources. Approximately three years ago, I filed a complaint with Human Resources department against Robert Morton, Executive for Healthy Living, for making fun of my Mexican accent. Thereafter, my professional growth within the company was limited. Since the complaint I have been held back from promotions and targeted by management for termination. I have applied for multiple job listings within the company and as such, I began to receive training from Human Resources and Toastmasters International. Shortly after the training began, HEB's management team wrote me up with Human Resources and had me placed on hold which in essence prohibited me from being considered for jobs internally. HEB's management used a pre textual reason for this write up and internal hold. Management alleged audio/camera laptop issues as well as not working as a team member. My management including Liz Cervantes and the procurement team created a hostile and micro aggressive environment. Management further excluded me from the Diversity Council Meetings. On September 30th, 2021, I was illegally terminated for the pre textual reason of failing to work as a team member.

After I was terminated I had a member from Toastmasters International who reached out to me via Facebook that confirmed that I was let go for being a Toastmasters member and that HEB should not had done that. Which aligns with the timeframe of when my work environment got hostile at HEB. She confirmed that they had provided nothing but positive feedback about me to HEB internally.

I hired Carlos Hernandez as my attorney in October 2021 who confirmed that I have a case and that HEB low balled me on my severance agreement. He mentioned that HEB did not want to go public nor to court and dropped my case a few days prior to the Federal Deadline after investigating for ~5 months (Oct 2021-Feb 2022). I met with several attorneys which facilitated decoding the investigation phase in my neighborhood and technically.

On 3/26/22 I went to file a report at the 7000 Culebra Police Department to voice a concern and high risk for my community after being chased by aggressive dogs multiple times (Rottweilers, Pitbulls, Huskies, Shepard dogs) in my neighborhood and my dog was attacked by one (that could have been a 5 year old child). My dog is like my child and we don't feel safe in our own neighborhood. We have had to run for our dear lives on multiple occasions and omit our daily walks because the culture/environment in The GNW Neighborhood is not the same/nor safe. I can only imagine how other mother's in our neighborhood might feel. However, instead of helping they punished me for advocating for my community by switching the tables/ lying and saying that I was a risk to my community? What happened to "See something, say something?"

Due to SAPD's negligence I was held hostage under OPC in a hospital for 1 month and 1 week that only caused additional stress, emotional, physical, financial burden with no value due to the officer lying and labeling me as mentally ill/hallucinating. Sounds like they are covering for the committees invading/ investigating my neighborhood and jeopardizing our communities lives and environment. I've been living here since 2014 and this has never been an issue. We had a surge of dogs and neighborhood abnormalities as of the last two years with the last year being the worst.

SAPD deprived me of my civil rights by fabricating content and using excessive force, resulting in the loss of my liberty. They had extremely poor judgment and didn't bother to do a thorough investigation. He

didn't bother to call the contact I listed as my witness that could attest to the abnormalities and surge of dogs in our neighborhood. Nor did he do a complete neighborhood investigation. It took me less than 30 minutes to do my research. The manager and staff from the neighborhood confirmed that it's a known issue and that they have active court cases and Captain Halverson from the GNW Security Patrol neighborhood said that due the ongoing issues they have a Dog Watch Crew in our neighborhood.

Furthermore, I'm certain this is the aftermath/effect from being terminated from HEB on 9/30/2021. I have a witness that saw and can attest to the HEB committee inhabiting my neighborhood (**May 2020**) over a year prior to being terminated. Along with neighbors and the City Council that can attest to the abnormalities/ aggressive dog incidents being recurring in our neighborhood. I myself have heard them conversing about HEB employees and myself and I don't know them.

Based on the negligence, lack of ethical investigation and misdiagnosis (putting me at fault) along with dialogue I heard, these committees are affiliated and consulting/investigating on HEB's behalf. I understand that they don't want a negative connotation on their committees for doing the opposite of what they are supposed to be doing but the avenue taken has caused severe damage, unnecessary stress and financial burden on good resident(s). I've been unemployed for a year and 5 months and have a hacker on my network; I've switched Internet providers two times (screenshots provided on Ian). I had a job application withdrawn at 2:31AM in which they forgot to delete the withdrawal email and four companies have confirmed that they never received my job applications after applying for jobs several times for several months.

This was my first experience/encounter with attorneys, SAPD and Psychiatric Hospitals and it certainly was not what I expected. Misdiagnosing due to conflict of interest and getting patients mixed up is unacceptable we are human beings not plastic dolls. Making a profit out of the Black Market is illegal. Please reference the SAPD Violation of Civil Rights (Non-Prisoner) and Negligence Medical Malpractice paperwork for further details on how things were mishandled as they are the aftermath and linked to this case.

Our community deserves the best in class SAPD service, defense council and psychiatric service and they should not be treated as third class citizens just because they have been mislabeled and deprived of their civil rights based on defamation or for not having or can't afford it.

From a sustainability perspective (social, human, economic & environmental) this has been a negative/traumatic experience. I felt oppressed and violated of my human rights the last two years of my life. Sadly, just for doing the right thing; voicing and advocating for myself. It was the opposite of what I expected from attorneys, SAPD & Psychiatric Hospitals. SAPD, as the first line of defense, it's significant not to jump to conclusions and cut corners when a resident is attempting to voice a concern/file a report that impacts the safety of the community. No resident should feel afraid and attacked for voicing a concern to police officers/doctors that could have been easily resolved and prevented with an ethical and thorough investigation. My incident should had never been funneled escalated through the severe psychiatric level had they followed the adequate protocol/ preliminary check and balances. In the event that someone lies and claims that someone is ill you should still conduct an investigation (**always trust but verify**) you never know if that someone is fabricating content to take possession of someone's inheritance, put them in a nursing home, or prevent them from getting a government job/ join the army, etc. I warned the officer beforehand not to send me to a UTSA affiliated hospital because it would be an interest of conflict and he said I had no option since the city of SA centralizes (not decentralizes) it through University Health (UH). As far as I'm aware monopolizing is illegal and the government supports diversifying portfolio's which is mirrored across several industries.

V. Relief

An expiration date was placed on me for voicing a discrimination concern with Human Resources a few years back. Since the complaint I have been held back from promotions and targeted by management for termination. The years that followed management and procurement created a hostile and micro aggressive work environment to force me to quit and kept poking/attacking the bear after seeing that I kept persevering they fired me when I set boundaries to their disrespect and stood up for myself. Due to HEB not wanting to resolve this via the legal avenue back in October 2021, negligence and lack of confrontation for their own concern of going public this placed my life in an unnecessary over a year hold, unemployed and contributed to physical/emotional and financial burden while putting my life at risk and resulting in a fractured arm injury.

I have a friend/former HEB employee who confirmed in May 2020 and can attest to HEB's committee inhabiting my neighborhood over a year prior to being terminated and ongoing as we speak. I thought I was going to get promoted but instead I was terminated over a year later, 9/30/21. Since then, I've started documenting all the abnormality incidents in my neighborhood.

The culture and environment has changed drastically in my neighborhood, I no longer feel safe. I've been chased by aggressive dogs in my neighborhood and my dog was attacked by one. The harassment of what I'm assuming is the investigation phase has been delayed too long and is out of control. No updates have been provided and it's a recurring pending issue impacting my life and of which I've been excluded illicitly. After echoing several times up the chain the abnormalities and aggressive dog incidents to the Great North West (GNW) HOA committee, 311 City of SA, City Council, City Mayor Ron Nirenberg, City Manager Erik Walsh and Joaquin Castro Congressman for my district I went to SAPD to voice file a report in hopes that they would do an ethical investigation that would provide an update/closure and an end to this toxicity. Instead, it led to defamation and punishment for voicing a concern (violation of the first and eight amendment) when they mislabeled me and held me hostage without my consent while making a profit out of the medical malpractice that has caused additional physical/emotional and financial distress on top of unemployment life and now a fractured arm. Being mislabeled as mentally ill opts me out of voting and forces the system to silence me and all I really want to do is continue with my life, work and put this valley of my life past me. That's impossible to do when you have a hacker on your network interfering with getting employed, blocking calls, messages, websites and withdrawing job applications (I have evidence, pictures). I'm receiving scam calls of people impersonating the government to get information out of me.

Listed below are the anomaly additional expenses I've had due to the negligence of how things were mishandled. I ask for SAPD to perform a thorough investigation to mitigate further damages and hold people accountable ethically. Along with ending the harassment, hacking so that I can start working as soon as possible as I have not been receiving unemployment benefits, never signed the Severance Agreement and have been unemployed for over a year. I would appreciate it if you could please reimburse me on the below expenses, punitive damages and loss of earnings for being unemployed.

I also ask for my medical record to be cleared as I was misdiagnosed and that is illegal, it disables and jeopardizes my future from a personal and career perspective and revokes my voting rights. What they misdiagnosed me was in the best interest for HEB (and third parties involved) and putting me at fault for something I did not do nor consent. This is fraud and a lie to cover up the HEB discrimination negligence aftermath by fabricating illnesses that don't exist and puts all the blame on me as the reason for being terminated from HEB. It's defamation and changes the label from discrimination to mentally ill

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and all due to SAPD's negligence and lies and lack of ethical investigation. People should not be punished and oppressed for reporting a Civil Rights Violation this has caused additional delays, derails, damages and jeopardizes my future personal and career life. It put my life in danger and fostered illegal food tampering which hindered my body resulting in a severe fractured left arm injury while intoxicated without my consent. I'm also asking for relocation expenses to be paid as I no longer feel safe in my neighborhood. My environment has been contaminated with the persistent harassment and cyber hacking.

Punitive & compensatory damages:

Punitive damages: \$ + One million

Ref aftermath cases SA 22CA1316 + SA 23CA0233

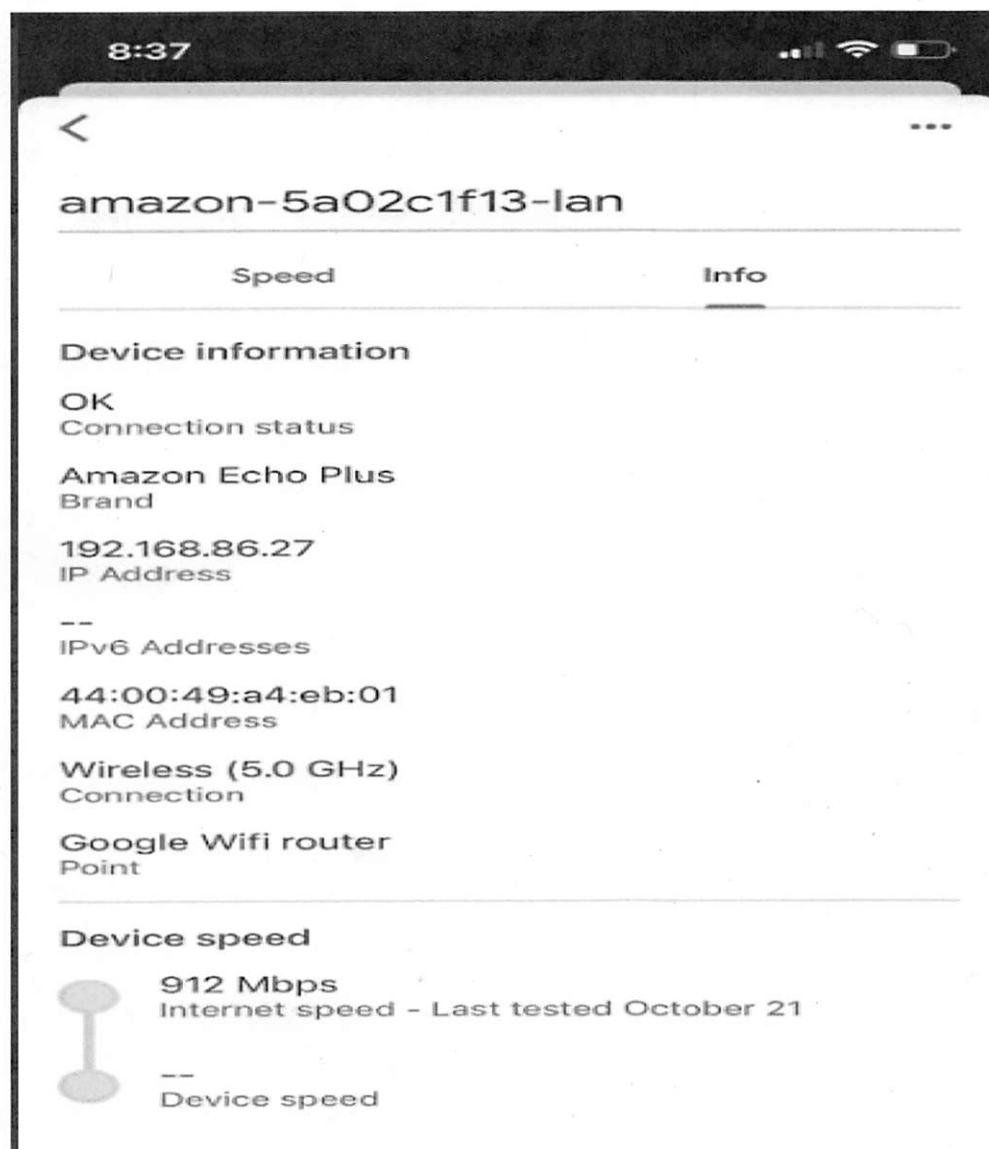
Compensatory damages: \$ ~136,241.97 (Oct 2021 - Feb 2023) 1yr 5mos

- Loss of earnings-Unemployed for over a year since 9/30/21- Present \$5769.84mo, \$75,007.92 annually
- -Unused vacation pay (7days/56 hours) \$1442.45
- -Bonuses/True up-Nov/Dec 2021 pending ~4,000
- -End of year merit increase for 2021 pending (3-5%) ~\$3750.40
- -Outplacement Services \$1350
- -HEB 2021 Partner Share pending Based on company performance
- Civil, Human Rights, Voting, Espionage Violation
- Put my life at risk due to harassment (Almost crashed and was chased by aggressive dogs several times)
- Negative Sustainability (social, human, economic, environmental) ~2 years
- Fraud-Medical Malpractice (HEB/UH partnership, conflict of interest)
- Medical/ Hospitals/Ambulances \$13,752
- Severe physical injury, fractured left arm
- Psychologist/ Counseling Services \$690
- Cyber Crime-hacking
- Identity Theft, credit score impacted due to additional medical debt
- Travel/gas expenses (several trips to meet with attorneys and psychologist in SA, the Valley and Houston) \$1200
- Relocation Expenses \$5,000
- Private Investigator \$1,000
- Missed my 2022 Birthday
- Missed a concert in April 2022 \$200

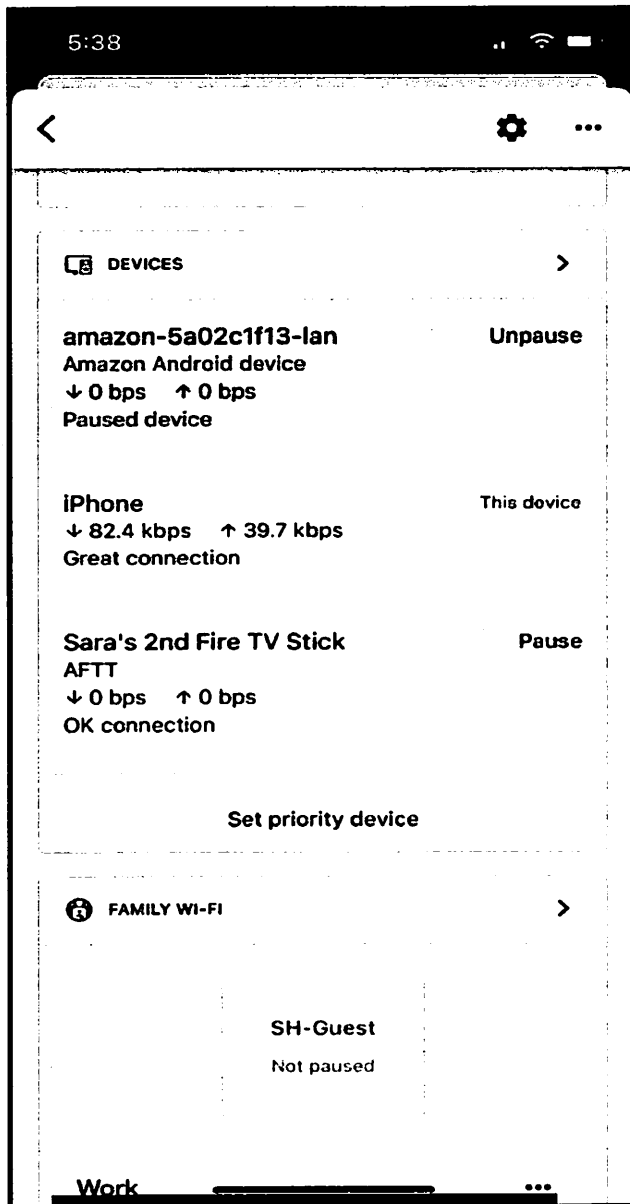
\$103,857.12
1yr + 5mos
loss earnings

Hacker-lan

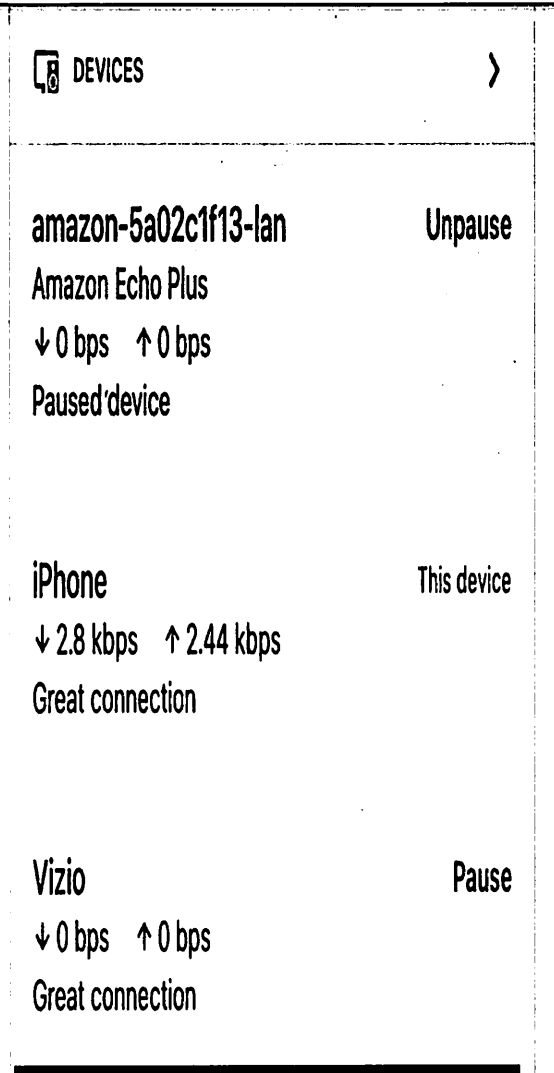
I had to switch internet providers twice. The screenshots provided below were taken in October 2021 while I had Google Fiber as my Internet provider. Ongoing incidents with Spectrum, they are forgetting to remove the search history and they are reviewing my search engine. It's not in the chronological order I viewed it. I have an email and screenshot that shows that someone withdrew a job application at 2:31AM on 5/10/22 but forgot to delete the withdrawal email. I have four potential employers that have confirmed that they never received my job applications after applying to several jobs for months with them. This is interfering with be being employed. I've been unemployed since 9/30/2021 at 8AM, over a year.

AT&T-Nov 2014-July 2021Google Fiber- 7/30/21-11/18/21Spectrum-Mid Nov 2021-Present

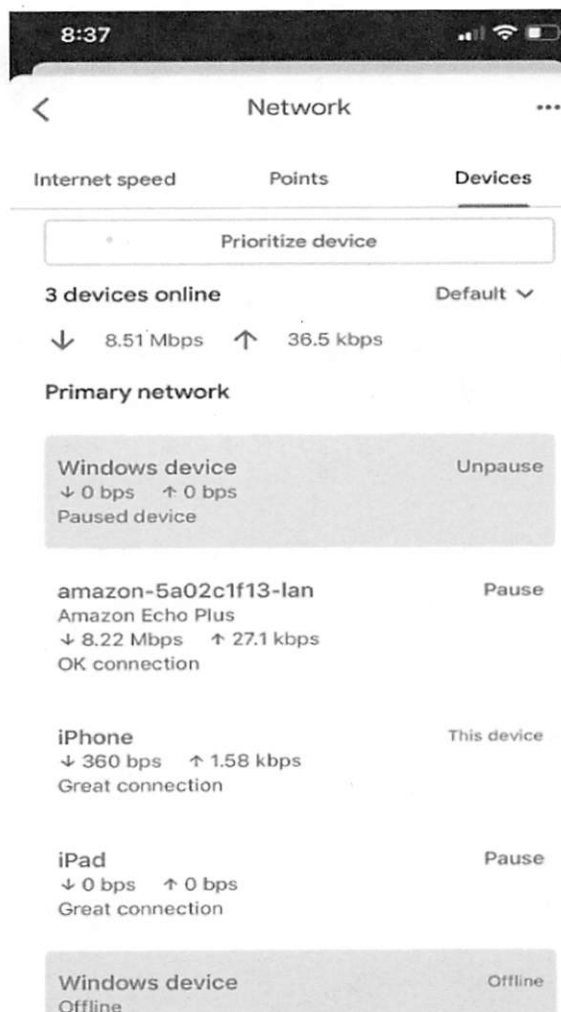
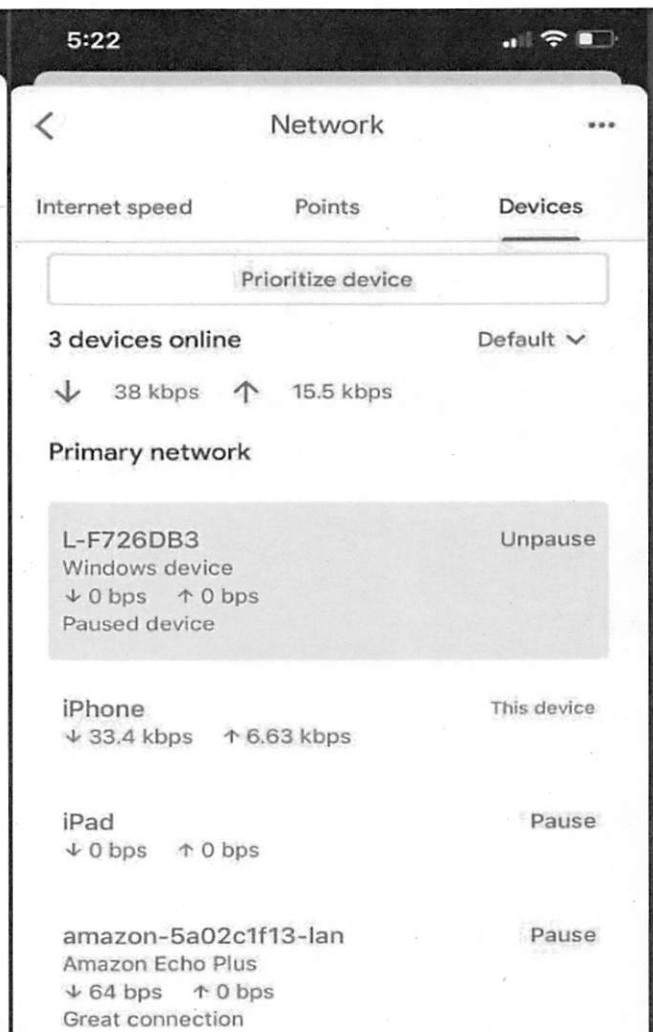
Google Fiber screenshots:



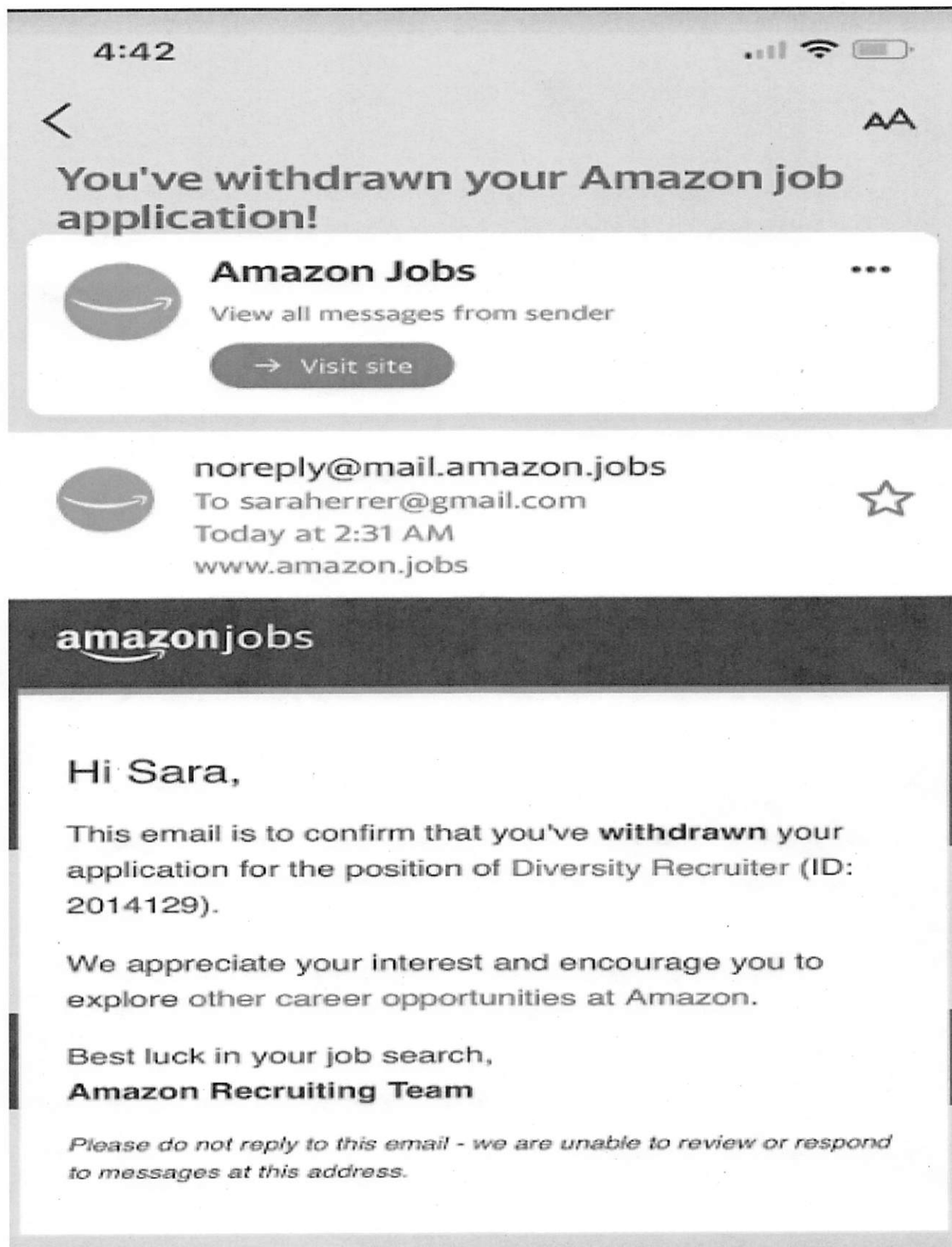
8/27/2021



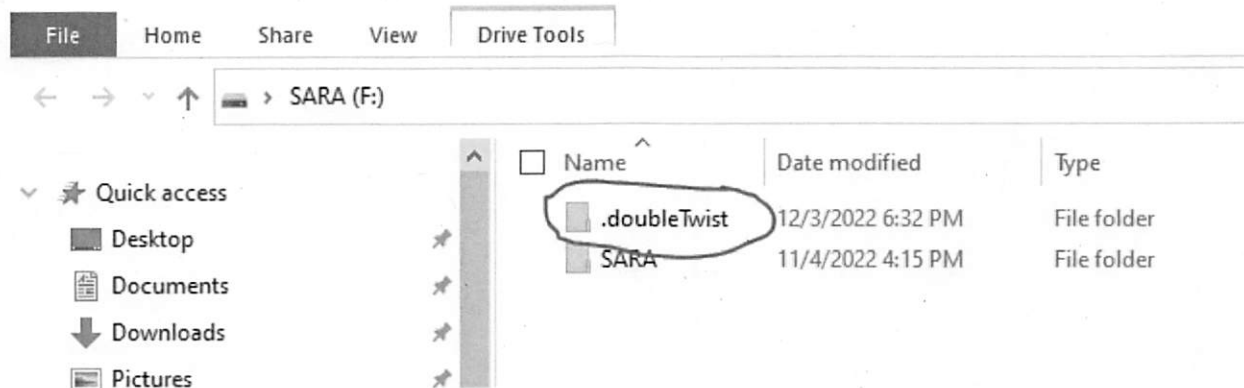
9/16/2021

**10/21/2021****10/29/2021**

Spectrum 5/10/22 screenshot. Job application withdrawn at 2:31AM



Flashdrive displaying doubletwist folder, started populating end of 2022 (~Oct /Nov 2022). I've deleted it multiple times and it keeps populating on my flashdrive.



*******Received a scam call impersonating the EEOC on 11/1/2021 from the following Austin phone number: (512) 228-1555*******

List of additional Apple iPhone 12 (IP addresses) connected to my internet network

Exclude cell phone (512) 221-3885 & (956)472-7686 if listed below

IP Address	MAC Address
192.168.1.238	F2:71:ea:80:7a:56
192.168.1.248	76:34:21:bc:1d:c3
192.168.1.133	Ca:3e:ea:43:19:69
192.168.1.192	1a:7f:d3:2a:83:be

I have additional contacts and evidence but since there is a low minimum threshold. I've only included these pages for now.